

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 11-20188-05

v.

HON. GEORGE CARAM STEEH

BERNARD THOMAS EDMOND,

Defendant.

_____ /

ORDER DENYING AS MOOT DEFENDANT'S
MOTION TO HOLD CASE IN ABEYANCE (ECF NO. 517)

This matter is before the Court on defendant Bernard Edmond's motion to hold his pending motion for compassionate release in abeyance until he fully exhausts his administrative rights. On November 1, 2023, Edmond filed a motion for compassionate release with the warden of his facility. The warden denied the motion on November 22, 2023. Edmond brought his motion for compassionate release in this Court on December 26, 2023.

As Edmond correctly recognizes, before bringing a motion for compassionate release, a prisoner must "fully exhaust[] all administrative rights to appeal" with the prison or wait 30 days after his first request to the prison. 18 U.S.C. § 3582(c)(1)(A). *United States v. Alam*, 960 F.3d 831,

833–34 (6th Cir. 2020). Administrative rights are considered exhausted when the warden refuses to recommend that the BOP file a compassionate release motion with the court, and the prisoner appeals the denial using the BOP's Administrative Remedy program, or if there has been a “lapse of 30 days from the receipt of such a request by the warden of the defendant's facility.” Program Statement 1330.18; 28 C.F.R. 542(B). The Sixth Circuit has interpreted this to mean that the exhaustion requirement is satisfied thirty days after a warden receives a request by an inmate, regardless of whether any administrative appeals are available or have been pursued. *See, Alam*, 960 F.3d at 833-34.

Edmond filed his motion more than 30 days after his request was received by the warden, which satisfies the exhaustion requirement. Now, therefore, IT IS ORDERED that defendant's motion that the Court hold his motion for compassionate release in abeyance so he may properly exhaust his administrative rights (ECF No. 517) is DENIED AS MOOT.

Dated: April 17, 2024

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on April 17, 2024, by electronic and/or ordinary mail and also on Bernard Thomas Edmund #09837-039, FCI Greenville, Federal Correctional Institution, P.O. Box 5000, Greenville, IL 62246.

s/Lashawn Saulsberry
Deputy Clerk